

CIVIL NO. 2:08CV32

Defendant.

Plaintiffs report that The Closing Place property was sold through a foreclosure sale on December 22, 2008. Plaintiffs have filed a motion in the state proceeding to set aside the trustee's deed for the sale of land and a hearing on that motion is scheduled before the Clerk of the Cherokee County Superior Court on March 31, 2009. **Foreclosure Proceedings Status Report, filed March 23, 2009.**

The Court has previously considered and denied Plaintiffs' motion for a temporary restraining order which sought to enjoin the foreclosure sale; Plaintiffs seek the same relief in their motion for a preliminary injunction. As noted in the previous order, "[i]n deciding whether or not to grant a temporary restraining order, the Court employs the same standard used in deciding whether to issue a preliminary injunction." **Memorandum and Order, filed December 19, 2008, at 6 (citing *Moore v. Kempthorne*, 464 F. Supp. 2d 519, 525 (E.D. Va. 2006))**. The property at issue has been sold through foreclosure and Plaintiffs have an adequate method of challenging the sale through the state proceeding. Therefore, the Plaintiffs' motion for a preliminary injunction will be denied for the same reasons as set forth in the Court's previous Memorandum and Order denying the motion for a temporary restraining order.

IT IS, THEREFORE, ORDERED that Plaintiffs' motion for a preliminary injunction is hereby **DENIED**.

Signed: March 26, 2009

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

